

AMENDED IN SENATE JUNE 7, 2011  
AMENDED IN ASSEMBLY MAY 5, 2011  
AMENDED IN ASSEMBLY APRIL 25, 2011  
AMENDED IN ASSEMBLY APRIL 7, 2011  
AMENDED IN ASSEMBLY MARCH 31, 2011  
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 547**

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**Introduced by Assembly Member Gatto**

February 16, 2011

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An act to add Section 18573.5 to the Elections Code, relating to voting.

### LEGISLATIVE COUNSEL'S DIGEST

AB 547, as amended, Gatto. Voting.

Existing law permits a voter who is unable to mark a ballot to receive the assistance of not more than 2 persons, selected by the voter, at a polling place. In addition, existing law imposes criminal penalties on specified activities that interfere with another person's right to vote, including defrauding a voter who cannot read the ballot by deceiving and causing him or her to vote for a candidate that he or she did not intend to vote for.

This bill would provide that a person is guilty of a misdemeanor, *punishable by a fine not to exceed \$10,000 for each vote cast*, if he or she, while providing care or direct supervision to an elder, as defined, in a state-licensed or state-subsidized facility or program, coerces or deceives the elder into voting for or against a candidate or measure

contrary to the elder's intent or in the absence of any intent of the elder regarding that vote.

This bill would impose a state-mandated local program by creating an additional crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 18573.5 is added to the Elections Code,  
2 to read:

3 18573.5. (a) ~~Every person is guilty of a misdemeanor who,~~  
4 ~~while~~ *It is a misdemeanor, punishable by a fine not to exceed ten*  
5 *thousand dollars (\$10,000) for each vote cast, for a person who*  
6 *is providing care or direct supervision to an elder in a state-licensed*  
7 *or state-subsidized facility or program, coerces or deceives to*  
8 *coerce or deceive the elder into voting for or against a candidate*  
9 *or measure contrary to the elder's intent or in the absence of any*  
10 *intent of the elder regarding that vote.*

11 (b) For purposes of this section, "elder" has the same meaning  
12 as set forth in Section 15610.27 of the Welfare and Institutions  
13 Code.

14 SEC. 2. No reimbursement is required by this act pursuant to  
15 Section 6 of Article XIII B of the California Constitution because  
16 the only costs that may be incurred by a local agency or school  
17 district will be incurred because this act creates a new crime or  
18 infraction, eliminates a crime or infraction, or changes the penalty  
19 for a crime or infraction, within the meaning of Section 17556 of  
20 the Government Code, or changes the definition of a crime within  
21 the meaning of Section 6 of Article XIII B of the California  
22 Constitution.

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